

1 Henry C. Su (SBN 211202; suh@howrey.com)
2 Katharine L. Altemus (SBN 227080; altemusk@howrey.com)
HOWREY LLP
3 1950 University Avenue, 4th Floor
East Palo Alto, California 94303
Telephone: (650) 798-3500
4 Facsimile: (650) 798-3600

5 Robert Ruyak
6 Matthew Wolf
7 Marc Cohn
HOWREY LLP
8 1229 Pennsylvania Avenue, NW
Washington, DC 20004
Telephone: (202) 783-0800
Facsimile: (202) 383-6610

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10 Attorneys for Plaintiffs
HOLOGIC, INC., CYTYC CORPORATION and HOLOGIC LP

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 HOLOGIC, INC., CYTYC CORPORATION,
and HOLOGIC L.P.,

15 Plaintiffs,

16 vs.

17 SENORX, INC.,

18 Defendant.

19 Case No. C08 00133 RMW (RS)

**DECLARATION OF KATHARINE L.
ALTEMUS IN SUPPORT OF PLAINTIFFS'
MOTION TO SHORTEN TIME ON
PLAINTIFFS' MOTION TO COMPEL**

Date: No hearing requested
Judge: Hon. Richard Seeborg

20 AND RELATED COUNTERCLAIMS.

21 I, Katharine L. Altemus, declare as follows:

22 1. I am an associate in the law firm Howrey LLP and a member of the Bar of this court. I
23 serve as one of the outside counsel for Hologic, Inc., Cytyc Corporation and Hologic LP (collectively
24 "Plaintiffs" or "Hologic"). The following declaration is based on my personal knowledge, and if
25 called upon to testify, I could and would competently testify as to the matters set forth herein.

1 2. Hologic seeks to shorten the time under the Civil Local Rules for the briefing of its
2 Motion to Compel Responses To Certain Interrogatories and to waive the requirement of a hearing.
3 (Doc. No. 44). That Motion seeks to compel Defendant SenoRx, Inc. ("SenoRx") to respond
4 completely and fully to Interrogatories Nos.1-3, served by Hologic on March 4, 2008.

5 3. At the February 29, 2008 case management conference, the Court continued the hearing
6 on Hologic's Motion for Preliminary Injunction from the noticed date of March 28, 2008 to April 21,
7 2008. In conjunction with that case management conference, the parties, through their counsel, agreed
8 to respond within a shortened period of time (10 days) to each other's Interrogatories aimed at eliciting
9 information relevant and necessary for each party to prepare for the scheduled April 21, 2008
10 Preliminary Injunction hearing. Notwithstanding that agreement, SenoRx has, in its Objections and
11 Responses served on March 14, 2008, refused to answer Hologic's Interrogatories Nos. 1-3 until it has
12 filed its Opposition to the Motion for Preliminary Injunction, which is due on March 28, 2008.
13 SenoRx has objected to these Interrogatories as premature and as conflicting with the briefing schedule
14 agreed upon by the parties.

15 4. Hologic seeks to shorten the time on its Motion to Compel because SenoRx's
16 Opposition to the Motion for Preliminary Injunction is not due until March 28, 2008, and the
17 Preliminary Injunction hearing is scheduled for April 21, 2008. SenoRx's refusal to completely and
18 fully respond to the Interrogatories deprives Hologic of any meaningful opportunity to obtain
19 expedited discovery with respect to SenoRx's contentions and key facts on the Motion for Preliminary
20 Injunction. Moreover, SenoRx's refusal threatens to derail the briefing schedule on the Motion for
21 Preliminary Injunction to which it agreed because Hologic will be left with little or no time to take
22 limited discovery before it has to file its Reply to SenoRx's Opposition.

23 5. Accordingly, the only way that the discovery and briefing on the Motion for
24 Preliminary Injunction can stay on the schedule agreed upon by the parties and ordered by the Court is
25 if the Court shortens the time for SenoRx to respond to Hologic's Motion to Compel and rules on the
26 issue without a hearing.

6. Hologic asked SenoRx to agree to the requested time change during a meet and confer on March 18, 2008. Hologic proposed that SenoRx agree to an expedited briefing schedule whereby SenoRx would reply to the accompanying motion to compel on or before March 21, 2008. SenoRx agreed in principle to stipulate to shortened time, but refused to agree to any shortened schedule that allocated less than 6 days for SenoRx to file its Opposition to Hologic's Motion To Compel Responses To Certain Interrogatories on March 23, 2008. The parties have not been able to reach an agreement regarding an expedited schedule for resolving Hologic's Motion to Compel. Counsel for SenoRx agreed to waive a hearing on the Motion to Compel if Hologic does not file a reply.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in East Palo Alto, California on March 19, 2008.

/s/